IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 18170 of 1994

Between:

1 Munawor Baig, S/o. Hussain Baig,
R/o. H.No. 41-311, Kothapet, Kurnool Town,
Kurnool Dist.
2 T.A.Lalitha Kumari, W/o. Sri N.Y. Ratnam,
R/o. Sainika Board, Opp: R.T.C.Busstand,
Cuddapah, Cuddapah Dist.

..... PETITIONERS

AND

1 The Govt. of A.P. rep.by its Secretary, Panchayat Raj Department, Secretariat, Hyderabad.

2 The Secretary, Education Dept, Secretariat, Hyderabad.

3. Zilla Praja Parishad, Kurnool District, Kurnool. rep.by its Special officer.

4. The District Development officer, Kurnool District, Kurnool.

5. The District Collector, Kurnool District, Kurnool

6. Zilla Praja Parishad, Cuddapah District, Cuddapah, Rep. by its Special Officer.

7. The District Development officer, Cuddapah District, Cuddapah.

8. The District Collector, Cuddapah District. Cuddapah..

9. The Secretary, Law Department , Central Secretariat, New Delhi.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or direction one in the nature of Writ of Mandamus declaring G.O. Ms.No. 221, Education Department dt. 16.7.1994, as unconstitutional and illegal and further direct the respondents to appoint the petitioners herein as teachers before any appointments to are made as teachers in the existing vacancies in A.P.State Controlled bodies based on their earlier eligibility as per G.O. Ms.No. 716, panchayat Raj (Samithi) Department, dt. 13.11.1981 after declaring Article 323-A C1.2(d0 of the Constitution and section 28 of the A.P. Administrative Tribunal Act, 1985 as unconstitutional for violation the basic Structure of the Constitution, and pass such further order or orders.

Counsel for the Petitioner: MR.P.RAJAGOPAL RAO

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following :

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O R D E R :-

It is represented by the learned counsel for the petitioners as well as the learned Government Pleader for Panchayat Raj that this Writ Petitions is not maintainable, in view of the Judgment of the Supreme Court in ***L.CHANDRAKUMAR Vs. UNION OF INDIA*** and the remedy of the petitioners is to approach the Andhra Pradesh Administrative Tribunal.

In the circumstances, this Writ Petition is dismissed, giving liberty to the petitioners to approach the Andhra Pradesh Administrative Tribunal and seek redress of their grievance, if the petitioners are so advised and so chosen. No costs.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER.

To

1. The Secretary, Govt. of A.P., Panchayat Raj Department, Secretariat, Hyderabad.

2. The Secretary, Education Dept, Secretariat, Hyderabad.

3.The Special Officer, Zilla Praja Parishad, Kurnool District, Kurnool.

4. The District Development officer, Kurnool District, Kurnool.

5. The District Collector, Kurnool District, Kurnool.

6. The Special Officer, Zilla Praja Parishad, Cuddapah District, Cuddapah.

7. The District Development officer, Cuddapah District, Cuddapah.

8. The District Collector, Cuddapah District. Cuddapah.

9. The Secretary, Law Department , Central Secretariat, New Delhi.

10. 2CCs to GP FOR PANCHAYAT RAJ & RURAL DEVELOPMENT, High Court Buildings, Hyderabad (O.U.T.)

11. 2CD copies